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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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EXAMINER

B3M1/0523

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ART UNIT PAPER NUMBER

2414
DATE MAILED:

05/23/97

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☐ Claim(s) _____ is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 10-15 is/are allowed.
- ☒ Claim(s) 1, 2, 5, 6, 8, 9, 16-18 is/are rejected.
- ☒ Claim(s) 3, 4, 7, 19-21 is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

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Claim Rejections - 35 USC § 102

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

16. Claims 1, 2, 8, 9, 16-18 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by U.S. Patent No. 4,994,985 to Cree et al.

As per claims 1, 8, 16 and 17, Cree et al. disclose a communication server (col. 2, lines 6-9), comprising a data transfer manager (col. 2, line 15), a first data unit identifier and further data (col. 2, lines 22-24), forming a replica reply (col. 2, lines 9-12) and a data unit corresponding to a unit identifier and forwarding the reply (col. 2, lines 52-54).

As per claims 2 and 9, Cree et al. disclose a host server for storing a data unit and in response to a request forwarding the data (col. 2, lines 47-50).

As per claim 18, Cree et al. disclose an electronic messaging post office (fig. 1, item 18) and an electronic messaging manager (fig. 1, item 12).

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Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

18. Claim 6 is rejected under 35 U.S.C. § 103 as being unpatentable over Cree et al. as applied to claims 1 and 2 above, and further in view of U.S. Patent No. 5,604,788 to Tett.

As per claim 6, Cree et al. do not disclose the limitation of this claim. Tett does teach a wireless communication channel between the server and the unit (col. 2, lines 26-32). It would have been obvious to anyone having ordinary skill in the art at the time the invention was made to have used this form of communication since it results in a reduction of land line

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hardware and connection points and usually provides for a more direct routing of the transmitted signals.

19. Claim 5 is rejected under 35 U.S.C. § 103 as being unpatentable over Cree et al.

As per claim 5, Cree et al. do not disclose wide area network. It is known in the art to distribute data between communication terminals over a wide area network. It would have been obvious to anyone having ordinary skill in the art at the time the invention was made to have included this feature in the system disclosed by Cree et al. since it provides for a reasonably simple means of communication between multiple users of a distributed data system and can be easily implemented.

Allowable Subject Matter

20. Claims 10-15 are allowable over the prior art of record.

21. Claims 3, 4, 7, 19-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

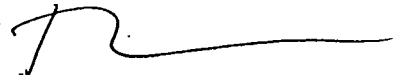
22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,040,141 to Yazima et al. discloses Method for Administrating Reply Mail in Electronic Mail System.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Thomas Peeso whose telephone number is (703) 305-9784. The examiner can normally be reached on Monday -Friday from 7:30 am to 5 pm.

24. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Emanuel Voeltz, can be reached on (703) 305-9714. The fax phone number for this Group is (703) 305-95[64,65].

25. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3800.


Thomas Peeso
Patent Examiner
Art Unit 2414
19 May 97